

**BEFORE THE APPEALS BOARD  
FOR THE  
KANSAS DIVISION OF WORKERS COMPENSATION**

**MANORAMA PATEL**  
Claimant

VS.

**OVERLAND PARK REGIONAL MEDICAL CENTER**  
Respondent  
Self-Insured

)  
)  
)  
)  
)  
)  
)

Docket No. 204,023

**ORDER**

Respondent requested review of the preliminary hearing Order dated August 12, 1997, entered by Administrative Law Judge Steven J. Howard.

**ISSUES**

The Administrative Law Judge authorized Dr. Jacob to provide claimant with medical treatment and ordered payment of temporary total disability benefits. As indicated in respondent's Notice of Appeal, the only issue before the Appeals Board on this review is whether the Administrative Law Judge exceeded his authority in awarding claimant temporary total disability compensation.

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

After reviewing the entire record, for preliminary hearing purposes the Appeals Board finds as follows:

Respondent's request for Appeals Board review should be dismissed.

Respondent contends the Administrative Law Judge exceeded his authority in granting claimant temporary total disability benefits because of "overwhelming evidence to [the] contrary." The preliminary hearing finding that claimant is temporarily and totally disabled is not a finding which the Appeals Board can review at this juncture of the

proceeding. As set forth by K.S.A. 44-534a, as amended, preliminary hearing reviews are limited to the following findings: (1) whether the employee suffered an accidental injury, (2) whether the injury arose out of and in the course of the employee's employment, (3) whether notice is given or claim timely made, and (4) whether certain defenses apply.

Because K.S.A. 44-534a, as amended, specifically grants the Administrative Law Judge the power and authority to decide claimant's entitlement to temporary total disability benefits at a preliminary hearing, the Appeals Board finds the Administrative Law Judge did not exceed his authority in awarding claimant those benefits.

**WHEREFORE**, it is the finding, decision, and order of the Appeals Board that respondent's request for Appeals Board review should be, and hereby is, dismissed; that the preliminary hearing Order dated August 12, 1997, entered by Administrative Law Judge Steven J. Howard remains in full force and effect.

**IT IS SO ORDERED.**

Dated this \_\_\_\_ day of October 1997.

---

BOARD MEMBER

c: Lisa R. McWilliams, Kansas City, MO  
Jeffrey S. Austin, Overland Park, KS  
Steven J. Howard, Administrative Law Judge  
Philip S. Harness, Director